

**A Resolution**

**NO. 3405-09-2006**

**RATIFYING THE LAWSUIT ENTITLED CITY OF FORT WORTH, ET. AL. V. GREG ABBOTT, ATTORNEY GENERAL, IN TRAVIS COUNTY DISTRICT COURT PURSUANT TO CHAPTER 552 OF THE TEXAS GOVERNMENT CODE**

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 552 of the Texas Government Code (the Public Information Act) to file lawsuits to enforce the provisions of the Texas Government Code that allow the City to withhold confidential police reports of alleged or suspected child abuse; and

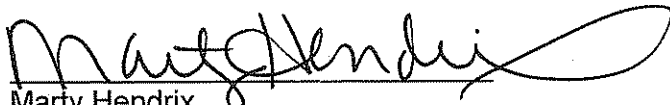
**WHEREAS**, the Attorney General of Texas has ruled that the City must release certain information under the Texas Public Information Act; said information relating to a police investigation file affiliated with police report number 06055524 that details an investigation of alleged or suspected child abuse; and

**WHEREAS**, such information is believed to be confidential under Section 552.101 of the Texas Government Code in conjunction with Section 261.201 of the Texas Family Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:**

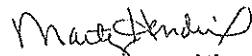
1. The City Attorney is authorized and directed to effect all necessary legal action to enforce the provisions of Chapter 552 of the Texas Government Code and Chapter 261 of the Texas Family Code, and specifically to file suit against Greg Abbott, Texas Attorney General, to enforce the provisions of the Texas Government Code allowing the City to withhold confidential information from public disclosure, to wit, information relating to investigations of suspected or alleged abuse of a minor child.
2. The filing of the lawsuit against the Attorney General (Travis County District Court) is hereby ratified.

ADOPTED this 5 day of September, 2006.

  
Marty Hendrix  
City Secretary

APPROVED  
CITY COUNCIL

SEP 5 2006

  
City Secretary of the  
City of Fort Worth, Texas



**CITY OF FORT WORTH**

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

---

**COUNCIL ACTION: Approved on 9/5/2006 - Resolution No. 3405-09-2006**

---

**DATE:** Tuesday, September 05, 2006  
**LOG NAME:** 12NELSON

**REFERENCE NO.:** \*\*G-15377

**SUBJECT:**

Adopt a Resolution Ratifying of City's Lawsuit Entitled City of Fort Worth, et al. v. Greg Abbott, Attorney General Pursuant to Chapter 552 of the Texas Government Code

---

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution ratifying the filing of the lawsuit entitled City of Fort Worth, et al v. Greg Abbott, Attorney General of Texas.

**DISCUSSION:**

Chapter 552 of the Texas Government Code (The Public Information Act) governs the release of information held by a government entity. Section 552.101 of the Act in conjunction with Section 261.201 of the Texas Family Code requires a government entity to withhold reports of alleged or suspected abuse of a minor child. The City received a request for information from Amanda Nelson for a police report that falls under this exception. The City requested an opinion from the Attorney General; the Attorney General ruled that the requested report did not fall under the exception to disclosure espoused in Section 261.201 of the Family Code and ordered the City to release the information. The City Attorney's Office and the City's Records Manager are of the opinion that the release of the documents would be in contradiction of the Family Code provision and constitute a violation of the Act. The City is not authorized to request that the Attorney General reconsider his decision. In order to avoid release of the documents, the City's only recourse is to file suit in this matter. Due to time constraints, the City Attorney had to file suit immediately in this matter to prevent a waiver of some of the City's rights. This lawsuit seeks to prevent the release of a confidential police report, which if released, could expose the City to potential criminal and civil liability; therefore, the City Attorney is seeking ratification of the lawsuit filed on behalf of the City of Fort Worth on August 31, 2006.

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that this action will have no material affect on City funds.

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

---

**Submitted for City Manager's Office by:**

Charles Boswell (8511)

**Originating Department Head:**

David Yett (7623)

**Additional Information Contact:**

Gerald Pruitt (7616)

---